

**Assembly Joint Resolution**

**No. 37**

**Introduced by Assembly Member Ridley-Thomas**

**(Principal coauthors: Assembly Members Bass, Chu, Coto,**

**Dymally, Frommer, Nunez, and Yee)**

**(Principal coauthors: Senators Escutia, Murray, Perata, and Romero)**

September 6, 2005

Assembly Joint Resolution No. 37—Relative to the Voting Rights Act of 1965.

LEGISLATIVE COUNSEL'S DIGEST

AJR 37, as introduced, Ridley-Thomas. Voting Rights Act of 1965.

This measure would memorialize the Congress and President of the United States to extend the provisions of the Voting Rights Act of 1965 that are set to expire in the year 2007.

Fiscal committee: no.

- 1 WHEREAS, Throughout United States history, each extension
- 2 of voting rights has been strongly resisted by conservatives
- 3 representing all partisan perspectives; and
- 4 WHEREAS, Historically, voter suppression frequently
- 5 involved terrorist violence, intimidation, and fraud to depress
- 6 turnout and undo the effect of lawfully cast votes to preserve the
- 7 political supremacy of white male property owners; and
- 8 WHEREAS, Disfranchising laws and practices included poll
- 9 taxes, literacy tests, vouchers of “good character,”
- 10 disqualification for “crimes of moral turpitude,” and
- 11 gerrymandering of districts to further reduce voting strength and
- 12 minimize the number of elected officials based on race; and



1 WHEREAS, These laws were “color-blind” on their face, but  
2 were designed to disproportionately exclude certain citizens  
3 based on race by allowing white elections officials to apply the  
4 procedures selectively; and

5 WHEREAS, Nearly all black citizens were disenfranchised  
6 and removed from the voter rolls by 1910 in the former  
7 Confederate states as a result, undermining equal protection and  
8 opportunity for African-Americans while reinforcing privileged  
9 access to educational and economic opportunities and public  
10 services for whites; and

11 WHEREAS, Native American, Latino, and  
12 Asian-American/Pacific Islander communities experienced  
13 similar attempts to disenfranchise citizens in their communities  
14 throughout the United States; and

15 WHEREAS, The process of restoring voting rights would take  
16 many decades, even as women were finally granted the franchise  
17 in 1920 with the ratification of the Nineteenth Amendment to the  
18 United States Constitution; and

19 WHEREAS, The United States Congress enacted the federal  
20 Voting Rights Act of 1965 in response to the numerous obstacles  
21 and barriers that had been erected by many states and local  
22 governments to prevent the free exercise of the right to vote and  
23 to participate on an equal basis in the electoral process by  
24 members of racial minorities; and

25 WHEREAS, The Voting Rights Act of 1965 is widely viewed  
26 as one of the most successful civil rights statutes ever enacted;  
27 and

28 WHEREAS, The Voting Rights Act of 1965 provides  
29 extensive voter protections, such as equipping voters with the  
30 means to challenge election laws that result in a denial or  
31 abridgement of voting rights on account of race, color, or  
32 language minority status (Section 2); eliminating literacy tests  
33 nationwide (Section 201); requiring federal approval before  
34 covered jurisdictions with a history of practices that restrict  
35 minority voting rights can implement changes in existing voting  
36 practices and procedures (Section 5); providing the United States  
37 Department of Justice with the authority to appoint federal  
38 election monitors and observers to ensure that elections are  
39 conducted free from discrimination and intimidation (Sections 6  
40 to 9, inclusive); and mandating language assistance and



1 translated voting materials in jurisdictions with substantial  
2 concentrations of language minorities (Section 203); and

3 WHEREAS, In 2007, certain “special provisions” of the  
4 Voting Rights Act that were enacted to address discriminatory  
5 voting practices are set to expire unless Congress acts to  
6 reauthorize them; and

7 WHEREAS, Among the provisions credited most with  
8 enfranchising the Americans historically disenfranchised prior to  
9 enactment of the Voting Rights Act of 1965 are Section 5  
10 (federal preclearance of voting changes in covered jurisdictions  
11 to prove that voting changes are not discriminatory before they  
12 may legally take effect); Section 4 (the coverage provision,  
13 which determines which states and jurisdictions must seek  
14 Section 5 preclearance); Sections 6 to 9, inclusive (the Federal  
15 Examiner/Observer provisions, which set forth criteria for  
16 election monitoring by the United States Department of Justice);  
17 and Section 203 (the bilingual voting materials provisions, which  
18 mandate that certain voting materials must be translated for  
19 language minorities in certain jurisdictions); and

20 WHEREAS, This year marks the 40th anniversary of the  
21 Voting Rights Act of 1965, and all Americans should pay  
22 homage to civil rights advocates whose sacrifices and hard work  
23 advanced the expansion of democracy; and

24 WHEREAS, We must applaud the substantial progress that has  
25 been made in protecting the right to vote, but continue efforts to  
26 ensure fairness and equal access to the political process in the  
27 United States in order to protect the rights of every American;  
28 now, therefore, be it

29 *Resolved by the Assembly and the Senate of the State of*  
30 *California, jointly,* That the Legislature and the State of  
31 California respectfully memorializes the Congress and President  
32 of the United States to extend the provisions of the federal  
33 Voting Rights Act of 1965 that are set to expire in 2007; and be it  
34 further

35 *Resolved,* That the Chief Clerk of the Assembly transmit  
36 copies of this resolution to the President of the United States, the  
37 President of the Senate, the Speaker of the House of



- 1 Representatives, and each Member of the Senate and the United
- 2 States House of Representatives representing California.

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